

REMARKS

Applicant thanks the Examiner for the telephone interview on Wednesday, April 4, 2007. In the interview, the Examiner acknowledged that Swale does not disclose real-time relay of information in the manner applicant claims. The Examiner had previously asserted that Swale discloses “call charge information configured for use in real time charging while the telecommunication link is in existence” (see Office Action, page 3). Examiner and Applicant concluded Swale discloses that real time means that charge information is sent just after a call ends. The interview clarified that real-time within the proper scope of applicant’s specification means that charge information is sent during the course of a telecommunication link and not immediately after the link ends. No conclusions were made about Granberg.

The claims stand rejected under 35 U.S.C. 103(a) over Swale (U.S. Patent No. 5,822,741) in view of Granberg (U.S. Patent No. 6,195,543). Applicant respectfully traverses the rejection.

The Examiner asserts that Swale teaches a method and system for providing call charge information sent from a caller to a called party via two exchanges. The Examiner also asserts that call charge information is determined in the first exchange and sent as a message to the second exchange in Swale. According to the Examiner, Swale’s “Call Detail Record” reads on call charge information. Granberg is asserted by the Examiner for disclosing real-time charging and the Advice of Charge sent to mobile subscribers. The Examiner contends that a person of ordinary skill in the art would have combined Swale’s call charge information and message disclosure with Granberg’s real-time processing and Advice of Charge disclosure to attain the claimed invention. However, applicant submits that even if Swale and Granberg are combined they do not produce the claimed invention.

Granberg fails to teach the following: “wherein call charges arising for the telecommunication link are determined in the first telecommunication exchange and corresponding call charge information is sent as messages to the second telecommunication exchange such that the

call charge information is configured for usage in real time charging and for service attributes such as Advice of Charge or Subscriber Credit Limit Supervision while the telecommunication link is in existence.” Instead, Granberg discloses a caller placing a call; the call being sent through a control point that may serve multiple networks or only one network; and the control point dictating what call charge information will be sent to the called party in the form of Advice of Charge parameters. When the called party is a roaming party, the control point formulates Advice of Charge parameters and packages those parameters in messages forwarded to the roaming mobile subscriber information. Granberg also discloses that without the existence of such a control point, the roaming subscriber cannot receive complete call charge information. The control point, which can operate across multiple networks, determines the AoC parameters and sends the AoC parameters in a message to either an originating call or a terminating call. Granberg does not disclose real-time call charging being sent from a calling party to a called party. What Granberg also does not disclose is the messaging recited in the claimed invention. Nowhere in Granberg does a message travel from calling party to called party in the same manner as the claimed invention. Moreover, Granberg does not disclose the real-time call charging being calculated in the second exchange. Instead, Granberg discloses calculating AoC parameters at a central control point. The control point sends messages with AoC parameters. Since the process is regulated by the control point, this process has nothing to do with the subscriber on the other end of the call. Granberg does not disclose messaging from one party’s exchange to another’s exchange. Instead it discloses messaging packets containing call charge information traveling between a control point and a subscriber. Therefore, Granberg does not show real-time call charging being sent from a calling party to a called party as the Examiner has asserted.

Since neither Swale nor Granberg discloses real-time charging where the charging is calculated in the called party’s exchange, the combination of these references fails to teach or suggest the features of claim 1.

Furthermore, there would not have been any reason to modify Swale in view of Granberg. Rather, Granberg actually teaches away from the combination because Granberg labels the concept of formulating the AoC in the roaming subscriber's exchange "impossible" (**see Granberg specification, column 3, lines 10-12**). Simply because a person of ordinary skill in the art could have combined two references does not mean that they would have done so, even in hindsight. Here, Granberg teaches away from using the well-known AoC and setting up call charging information in a called party's exchange, as claim 1 recites. Thus, no person of ordinary skill in the art would have been motivated to even consider Granberg's disclosure of AoC and real-time charging in combination with Swale.

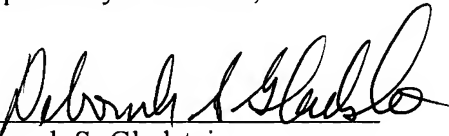
Applicant submits that the combination of Swale and Granberg does not produce the claimed invention. Moreover, even if a person of ordinary skill in the telecommunications art had considered Swale that person would not have considered Granberg because Granberg discloses that setting up charge accounting in a called party's exchange is "impossible." Therefore, the rejection under 35 U.S.C. 103(a) is respectfully requested to be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122020600.

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Respectfully submitted,

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